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9 NATIONAL RAILROAD PASSENGER
10 CORPORATION dba AMTRAK and JOE DEELY

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13 JOHN EARL CAMPBELL

14 Plaintiff,

15 v.

16 NATIONAL RAILROAD PASSENGER
17 CORPORATION dba AMTRAK, JOE DEELY
18 and DOES 1-15, inclusive,

19 Defendants.

Case No. C05-05434 MJJ

**SUPPLEMENTAL DECLARATION OF
STEVE SHELTON IN SUPPORT OF
DEFENDANTS' NATIONAL
RAILROAD PASSENGER
CORPORATION'S AND JOE DEELY'S
MOTION FOR SUMMARY
JUDGMENT, OR IN THE
ALTERNATIVE, SUMMARY
ADJUDICATION**

Date: May 22, 2007
Time: 9:30 a.m.
Ctrm.: 11
Judge: The Hon. Martin K. Jenkins

Complaint Filed: 12/30/05
FAC Filed: 2/23/06
Trial: 7/23/2007

20 I, Steve Shelton, hereby declare:

21 1. I am an employee of NATIONAL RAILROAD PASSENGER CORPORATION
22 dba AMTRAK. I am employed as District Superintendent in Amtrak's Pacific Division, and have
23 held that position since March 2004.

24 2. I read the transcript from the formal investigation into the July 24, 2004 incident,

1 in which John Campbell admitted that he knowingly released the air brakes on a locomotive
2 during an active move. Mr. Campbell's conduct on July 24, 2004 was akin to (1) parking an
3 automobile in neutral, (2) turning off the engine, and (3) releasing the parking brake in the wake
4 of a second, oncoming car. Predictably, the locomotive rolled uncontrollably. The locomotive
5 did not stop until Dave West bolted into action and reapplied the brakes. Based on decades of
6 experience, it is my opinion that if it was not for Mr. West's quick response, 125 tons of steel
7 (weight of a single locomotive) would have continued to careen out of control, at grave risk to
8 railroad personnel and equipment.

9 3. Plaintiff's attempt to liken his disarming of the brakes during an active move to the
10 disarming of brakes of a parked train that is undergoing maintenance is not comparable. The first
11 plainly violates Amtrak's written safety manuals, training that Plaintiff admits he repeatedly
12 underwent, and model safety rules adopted by the national railroad safety agency that identifies
13 unsafe coupling and disregard of air brake rules as leading causes of fatal railroad accident in the
14 United States. The second may or may not violate Amtrak rules, depending on the circumstances.


15 4. In another faulty comparison, Plaintiff attempts to liken his conduct on July 24,
16 2004 to improper switching. Switching refers to the process by which different portions of track
17 are aligned together. A switch is a lever points in the direction of adjoining track. Running
18 through or splitting a switch refers to dislodging a switch from its intended route. Switching has
19 nothing to do with air brake safety. It also does not affect an engineer's ability to stop a wayward
20 train.

21 5. Derailments can arise from a number of different situations. In general, a
22 derailment occurs when any portion of a train or car separates from the track. A derailment is not
23 necessarily the result of negligence or misconduct. For example, derailments can occur when the
24 track is obstructed or the engineer's line of sight is impeded. Even if Plaintiff had included facts
25 about the circumstances of derailments by others, derailments are not synonymous with the
26 cutting out of brakes during an active move.

27 6. In my present position, I do not make hiring or promotion decisions. When I was
28 previously charged with the authority to do so, I hired or promoted at least four African-American

employees to engineer or higher positions that I can remember. These persons included: Riley Friedman, Gina Butler, Naji Girgis and Richard Gaylin Barrow.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 8th day of May 2007 in Oakland, California.

A handwritten signature in black ink, appearing to read "S E Shelton", written over a horizontal line.

STEVE SHELTON

H:\N\National Railroad Passenger Corp (40707)\Campbell (89560)\Pleadings\MS\Shelton Dec supplemental.doc

5/8/2007